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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

AISHA PANKEY,)
Plaintiff,))) 2:11-cv-00429-KJD-LRL
v.)
BUDGET CAR RENTAL, et al.,)
Defendants.)
)

REPORT & RECOMMENDATION

Plaintiff has filed an Application to Proceed *In Forma Pauperis* and a Complaint (#1) using the court's form for filing a § 1983 civil rights action.

Plaintiff has filed her Application and Complaint in federal court. She complains that Budget Car Rental has charged her for loss of a rental car and "messed up" her banking account. The Application and Complaint should be dismissed because this court lacks subject-matter jurisdiction to hear the claims. Fed.R.Civ.P. 12(h)(3). Federal courts have two main sources of subject matter jurisdiction: federal question jurisdiction and diversity jurisdiction. Under federal question jurisdiction, a litigant may bring a claim in federal court if the claim or claims arise under federal law. 28 U.S.C. § 1331. Diversity jurisdiction permits individuals to bring claims that do not arise under federal law – for example, state law claims – where the claim exceeds \$75,000 and the parties are citizens of different states. 28 U.S.C. § 1332.

Here, plaintiff does not allege a claim under federal law. Even if plaintiff could state a cognizable claim under state law, she does not indicate that she and the defendants are citizens of different states nor does she reasonably pray for monetary relief in excess of \$75,000. The court therefore lacks diversity jurisdiction to hear the claims, as well.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that plaintiff's Application and Complaint (#1) be dismissed.

DATED this 7th day of June, 2011.

LAWRENCE R. LEAVITT

UNITED STATES MAGISTRATE JUDGE